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on July 23, 2008

PATENT
Docket No.: 018512-006610US

TOWNSEND and TOWNSEND and CREW LLP

By: 

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Alan David Wickenden, et al.

Application No.: 09/939,230

Filed: August 24, 2001

For: METHODS FOR TREATING OR
PREVENTING PAIN AND ANXIETY

Customer No.: 20350

Confirmation No.: 5203

Examiner: Royds, Leslie A.

Art Unit: 1614

STATEMENT UNDER 37 CFR
§ 1.137(b)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants petition to revive the above-identified application under 37 CFR § 1.137(b). The application was unintentionally abandoned for failure to file a Response to the Office Action mailed December 18, 2007.

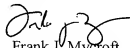
A. Response to the Office Action is forwarded with this Statement.

The entire delay, including the delay from the due date for reply through the date of this Petition was unintentional. The item had been correctly docketed by the firm. The undersigned was the lead attorney for providing the response and had the file in his office, inadvertently placed the file in a location designated for applications whose deadline was still sometime off. The billing attorney who was also on the docket was on

vacation as was her secretary. After the deadline had passed, upon reviewing the files next in the queue in his office, the undersigned first realized that the deadline for filing the response had been missed on the evening of Monday, July 14, 2008. The next morning, July 15, 2008, the undersigned received a phone call from the Examiner inquiring about the lack of a response. The undersigned later informed the Examiner on July 15, 2008 that the deadline was unintentionally missed. Promptly, thereafter, the responsible attorneys notified the client of the mistake, researched (including obtaining the necessary references in support of the attorney argument), prepared and obtained client approval of the required response, now filed this same date.

The Commissioner is hereby authorized to deduct the appropriate fee of \$770 from the undersigned's Deposit Account No. 20-1430 for consideration of the Petition to Revoke. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,


Frank J. Mycroft
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